

### **REMARKS**

Claims 1-13 and 25-36 remain pending in the present application. Applicant's attorney has added Claim 36. On November 1, 2006, Applicant's Attorney and the Examiner conducted a telephonic interview. The following arguments were presented during the interview.

#### **35 U.S.C. § 132(a) Rejection**

The Examiner has rejected claims 1 and 25-35 under 35 U.S.C. § 132(a), which states that no amendment shall introduce new matter into the disclosure of the invention. The Examiner asserts that the language "...a bat leveled during engagement by said at least on jaw..." is new matter.

The Examiner is referred to page 1, line 17 of the specification which states that the present invention provides "a fixture for baseball bats having an automatic leveling feature in order to position the bats at the same elevation for laser engraving baseball bats of differing diameter." Further, the language "at least one jaw" was originally filed in the application in Claim 1. Since the pertinent portions of the claim clause are taught in the original specification and claims, the Examiner is respectfully requested to move this ground of rejection.

#### **35 U.S.C. § 103 Rejections**

The Examiner has rejected claims 1-13 and 25-35 under 35 U.S.C. § 103(a) as being unpatentable for Evers *et al.* in view of Comulada *et al.* Applicant's attorney respectfully traverses this ground of rejection.

The Examiner alleges that Evers *et al.* teaches all of the elements of the instant claim except for the use of laser machining. The Examiner further alleges that Comulada *et al.*

discloses the laser ablation of a substrate using a chuck with a leveling device. As discussed during the interview, the Evers *et al.* reference fails to teach all of the elements of the claimed invention. Specifically, Evers *et al.* fails to teach, “at least one jaw being slidably connected to said base; a base plate being slidable relative to said base....” One additional point which is pertinent and was not discussed during the interview is that the Evers *et al.* reference also fails to teach at least one jaw having a base plate camming surface engaging the base plate and causing the at least one jaw to move a preselected distance relative to a distance moved by the base plate. Further, Comulada *et al.* fails to aid in this lack of teaching. Since, Evers *et al.* and Comulada *et al.* each fail to teach, either alone or in combination, various elements of the instant claim, Applicant’s attorney respectfully requests this ground of rejection withdrawn.

The final issue discussed during the interview was related to the term leveling in the claim preamble. As recited in the specification at page 1, line 17, the present invention provides “a fixture for baseball bats having an automatic leveling feature in order to position the bats at the same elevation for engraving baseball bats of differing diameter.” The Examiner’s cited references appear to provide structures related to leveling in the sense of a flat horizontal plane which differs from the teachings of the instant invention.

For these reasons, Applicant’s attorney respectfully requests the Examiner to remove this ground of rejection and expedite this case to issuance.

### **CONCLUSION**

Applicant’s attorney believes that the instant application is now in condition for allowance and therefore respectfully requests that the Examiner allow the pending claims. However, if the Examiner believes there are other unresolved issues in this case, Applicant’s

attorney would appreciate the courtesy of a telephone call at (502) 584-1135 to discuss such remaining issues.

Respectfully submitted,

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